

**Notice of Allowability**

Application No.

10/673,159

Examiner

Christine M. Behncke

Applicant(s)

OHNO ET AL

Art Unit

3661

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment and Remarks filed 3 October 2005.
2. ☒ The allowed claim(s) is/are 1-8.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### DETAILED ACTION

1. This office action is in response to the Amendment and Remarks filed 3 October 2005, in which claims 1-8 were presented for examination.

### *Allowable Subject Matter*

2. **Claims 1-8** are allowed.

3. The following is an examiner's statement of reasons for allowance: The prior art of record does not teach or fairly suggest the claimed system and method for upgrading a vehicle navigation system comprising, among other limitations: a first and second execution module, an install module which operates concurrently with a vehicle navigation operation achieved by a second computer program being executed by the second execution module, wherein the first execution module is prohibited from operating during operation of the second execution module.

4. References made of record but not relied upon are considered pertinent to applicant's disclosure:

Meek et al., US Patent No. 6,121,924: Meek et al. teaches a system and method for updating geographic data for use by a navigation application program, wherein the navigation application program is stored on a memory storage device 16 (ROM), loaded for execution to memory 20 and uses geographic data stored on a storage medium (CD-ROM disc 22). When an updated geographic database is provided replacement routines (substitute portions of the native code of the navigation application program that are used to access the data in the updated geographic database) may be

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selectively loaded into memory during runtime as needed to perform specific navigation tasks, such as route calculation, map display, etc. (Column 17, lines 18-22). Meek et al. does not disclose or suggest a navigation application executed from a storage medium other than memory 20.

Hayashi et al., US Patent No. 6,144,318: Hayashi et al. teaches a vehicle navigation system including a first program stored on a non-volatile memory (flash memory 41), an information storage device (element 3, a CD-ROM) storing a second program and data for navigation, and an install module to transfer the stored data of the CD-ROM to the non-volatile memory. Hayashi et al. teaches wherein if the data on the CD-ROM is of a higher version than the data of the flash memory, the flash memory is cleared, the data from the CD-ROM is read and loaded onto the flash memory. The navigation system is then subsequently restarted with the updated data executed from the flash memory (Figure 16).

Morimoto et al., US Patent No. 6,067,500: Morimoto et al. teaches a vehicle navigation system that includes a program storage flash memory (element 41), a program loading means for loading an updated navigation program from an external storage device (element 3) to the flash memory when a newer version of the navigation data is detected. Morimoto et al. further teaches that when the newer version is detected the flash memory is cleared, reloaded and executed with the updated version (Figure 4).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


**Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine M. Behncke whose telephone number is (571) 272-8103. The examiner can normally be reached on Monday - Friday 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

12-22-2005

  
RICHARD M. CAMBY  
PRIMARY EXAMINER